

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CAROLINE NARDINO, ON BEHALF OF HERSELF  
AND ALL OTHERS SIMILARLY SITUATED,

Plaintiff,  
-against-

CREDIT CONTROL, LLC,

Defendant.

FILED  
CLERK

1:01 pm, Apr 10, 2019

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

ADOPTION ORDER  
17-cv-3772 (ADS) (AKT)

**SPATT, District Judge.**

On June 22, 2017, Caroline Nardino (the “Plaintiff”) commenced this putative class action against Credit Control, LLC, (the “Defendant”) for damages stemming from alleged violations of the Fair Debt Collection Practices Act, 15 U.S.C., 1692 *et seq.*

On April 30, 2018, the Plaintiff filed a motion [Docket Entry (“DE”) 21] for class certification pursuant to Federal Rule of Civil Procedure (“FED. R. CIV. P.” or “Rule”) 23. In responding to the Plaintiff’s motion, the Defendant cross-moved [DE 23] to dismiss the complaint, pursuant to Rule 12. The Defendant further moved [DE 27] to strike the Affidavit of Richard Jacoby, Esq., which was submitted by the Plaintiff in support of her opposition to the Defendant’s motion to dismiss.

On September 10, 2018, the Court referred this matter to United States Magistrate Judge A. Kathleen Tomlinson for a recommendation as to whether the above motions for any party should be granted, and if so, what relief should be awarded.

On March 26, 2019, Judge Tomlinson issued a Report & Recommendation (“R&R”) recommending that (1) the Defendant’s motion to strike be denied; (2) the Defendant’s motion to dismiss be granted; and (3) the Plaintiff’s motion for class certification be denied as moot.

More than fourteen (14) days have elapsed since service of the R&R on the parties, who have failed to file an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result.

Accordingly, the R&R is adopted in its entirety. The Clerk of the Court is respectfully directed to close this case.

**SO ORDERED.**

Dated: Central Islip, New York  
April 10, 2019

*/s/ Arthur D. Spatt*  
ARTHUR D. SPATT  
United States District Judge